

# THE CITY OF TIGARD CHARTER

## CITY CHARTER

CHARTER of the CITY OF TIGARD OREGON  
Referred to the voters and adopted November 6,  
1962 (Amendments through September 21, 1999  
Election) Effective January 1, 1963

### **Chapter I NAME AND BOUNDARIES**

#### **Section 1. Title Of Enactment.**

This enactment may be referred to as the City  
of Tigard Charter of 1962.

#### **Section 2. Name Of City.**

The municipality of Tigard, Washington  
County, Oregon, shall continue to be a municipal  
corporation with the name "City of Tigard".

#### **Section 3. Boundaries.**

The City shall include all territory  
encompassed by its boundaries as they now exist  
or hereafter are modified by voters, by the  
Council, or by any other agency with legal power  
to modify them. The Recorder shall keep at the  
City Hall at least two copies of this Charter in  
each of which the Recorder shall maintain an  
accurate, up-to-date description of the boundaries.  
The copies and descriptions shall be available for  
public inspection at any time during regular office  
hours of the Recorder. (Measure 34-58, November  
5, 1996 election, Res. 96-53).

### **MAYOR COUNCIL FORM Chapter II POWERS**

#### **Section 4. Powers Of The City.**

The City shall have all powers which the  
constitutions, statutes, and common law of the  
United States and of this State expressly or

impliedly grant or allow municipalities as fully as  
though this Charter specifically enumerated each  
of those powers.

#### **Section 5. Construction Of Charter.**

In this Charter no mention of a particular  
power shall be construed to be exclusive or to  
restrict the scope of the powers which the City  
would have if the particular power were not  
mentioned. The Charter shall be liberally  
construed to the end that the City may have all  
powers necessary or convenient for the conduct of  
its municipal affairs, including all powers that  
cities may assume pursuant to state laws and to  
the municipal home rule provisions of the state  
constitution.

### **Chapter III FORM OF GOVERNMENT**

#### **Section 6. Where Powers Vested.**

Except as this Charter provides otherwise, all  
powers of the City shall be vested in the Council.

#### **Section 7. Mayor And Council.**

The elective officers of the City shall be a  
Mayor and four councilors who together shall  
constitute the City Council. At the general  
election held in 1990, and every fourth year  
thereafter, a Mayor shall be elected for a term of  
four years. No councilor shall serve the City as  
councilor for more than eight consecutive years,  
nor shall the Mayor serve as Mayor for more than  
eight consecutive years. In no case shall any  
person serve on the City Council for more than  
twelve consecutive years. These limitations do  
not apply to the filling of an unexpired term.

No person who is serving as Mayor or  
councilor shall become a candidate for any City  
office for a term which would be concurrent with  
the term in office then held unless that person first

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submits a written resignation from the then current office at the time of filing for the other office. A resignation submitted to satisfy this section shall not be withdrawn. A resignation shall be adequate for purposes of this section if it provides for the termination of the signer's service in the office not later than the last day before service would begin in the office for which that person seeks to become a candidate.

In the event the office of Mayor or councilor becomes vacant before the normal expiration of its term a special election may be held at the next available date to fill the office for the unexpired term. Such an election shall only take place if the Council can schedule and hold a special election at least twelve months before the term would otherwise expire. If an election is held, it shall be held in accordance with the election laws of the state of Oregon and City ordinances not inconsistent with such election laws. The Council may appoint a person to fill a vacancy until an election can be held. (Res. 93-63, May 17, 1994 election: Measure 34-7, May 15, 1990 election: Measure 51, November 4, 1986 election: Measure 51, November 5, 1985 election: Measure 53, November 2, 1982 election: Measure 53, May 18, 1982 election).

## **Section 8. Councilors.**

The councilors holding office at the time of adoption of this amendment shall hold their offices for the balance of the terms for which they were elected or appointed and until their successors are elected and qualified. At each general election after this amendment takes effect, two councilors shall be elected for four-year terms, with the two candidates receiving the highest number of votes being elected to office. In the event a vacancy exists on the City Council and a special election is called to fill the vacancy as described in Section 7 above, the candidate receiving the highest number of votes in the special election shall be deemed elected for the

remainder of the vacant positions term. (Measure 34-57, November 5, 1996 election, Res. 96-54; Measure 53, November 2, 1982 election).

## **Section 9.**

Repealed by Ordinance 72-16, Section 9, May 23, 1972 election.

## **Section 10. Other Officers.**

Additional officers of the City shall be a City Manager, Municipal Judge, a Recorder, and such other officers as the Council deems necessary. Each of these officers shall be appointed and may be removed by consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officers to supervise any other appointive officer except the Municipal Judge in the exercise of judicial functions. (Measure 34-88, November 3, 1998 election, Res. 98-46; Measure 34-58, November 5, 1996 election, Res. 96-53; Measure 52, November 5, 1985 election).

## **Section 11. Salaries.**

The compensation for the services of each City Officer and employees shall be the amount fixed by the Council.

## **Section 12. Qualifications Of Officers.**

A qualified elector within the meaning of the State Constitution, who will have resided continuously for a period of twelve (12) months or more immediately preceding the election in an area which is within the corporate boundaries of the City as the same shall exist as of a date one hundred twenty (120) calendar days immediately prior to the date of the election (inclusive of all territory previously effectively annexed to the City), shall be eligible for an elective office of the City. The Council shall be final judge of the qualifications and election of its own members,

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subject, however, to review by a court of competent jurisdiction.

## Chapter IV COUNCIL

### Section 13. Meetings.

The Council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. It shall adopt rules for government of its members and proceedings. The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council. In the event of the physical absence of the Mayor from the City, the Council President shall be empowered to call special Council meetings in the same manner as the Mayor may call such meetings.

Special meetings of the Council may also be held at anytime by the common consent of all members of the Council or by the delivery of a request for a special meeting, signed by a majority of Council members, and delivered to the City Recorder and to remaining Council members and the Mayor, if they are then in the City. All meetings of the City Council shall conform to notice requirements consistent with state law. (Measure 53, November 5, 1985 election: Measure 59, May 18, 1982 election).

### Section 14. Quorum.

A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

### Section 15. Journal.

The Council shall cause a journal of its

proceedings to be kept. Upon the request of any of its members the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal.

### Section 16. Proceedings To Be Public.

No action by the Council shall have legal effect unless the motion for the action by the Council vote by which it is disposed of take place at proceedings open to the public.

### Section 17. Mayor's Functions At Council Meetings.

The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions brought before the Council. (Measure 34-58, November 5, 1996 election, Res. 96-53).

### Section 18. President Of The Council.

At its first meeting of each odd numbered year, the Council by ballot shall choose a president from its membership. In the Mayor's absence from a Council meeting the President shall perform the duties of the office of Mayor and preside over it. Whenever the Mayor is physically or mentally unable to perform the functions of office, the President shall act as the Mayor pro tem. Should the President of the Council vacate the Council office he or she holds, the Council, by ballot, shall choose from its membership a person to act as President of the Council until the next President of the Council is chosen pursuant to this Section. (Measure 34-88, November 3, 1998 election, Res. 98-46; Measure 54, May 18, 1982 election).

### Section 19. Vote Required.

Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present and voting, when a quorum of

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the Council is present, at a Council meeting shall be necessary to decide any question before the Council. (Measure 54, November 5, 1985 election).

## **Chapter V POWERS AND DUTIES OF OFFICERS**

### **Section 20. Mayor.**

The Mayor shall appoint the committees provided by the rules of the Council. The Mayor shall sign all approved records of proceedings of the Council and countersign all orders on the treasury. The Mayor shall have no veto power and shall authenticate by signature all ordinances passed by the Council after being enacted. After the Council approves a bond of a City Officer or a bond for a license, contract, or proposal, the Mayor shall authenticate the bond by endorsement thereon. (Measure 55, November 5, 1985 election).

### **Section 20A. City Manager**

(1) The City Manager shall be the administrative head of the government of the City. The office of City Manager shall be filled by appointment of the City Council. The Manager shall be the Chief Administrative Officer of the City, and as such shall be chosen solely on the basis of administrative qualifications and experience, without regard to political considerations. Appointment and removal of the Manager by the Council shall require the prior consent of a majority of the full Council recorded at a public meeting. The City Manager shall serve at the pleasure of the Council, and cause shall not be required for termination.

(2) The Manager shall:

(a) Attend all Council meetings unless excused by the Council or Mayor;

(b) Keep the Council advised of the affairs of the needs of the City;

(c) See that the provisions of all ordinances are administered to the satisfaction of the Council;

(d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;

(e) Appoint, discipline and remove appointive personnel, except appointees of the Mayor or Council;

(f) Supervise and control the managers appointees in their service to the City;

(g) Organize and reorganize the departmental structure of city government;

(h) Prepare and transmit to the Council an annual City budget;

(i) Supervise City contracts;

(j) Supervise operation of all City-owned public utilities and property; and

(k) Perform other duties as the Council prescribes consistently with this Charter. (Measure 34-58, November 5, 1996 election, Res. 96-53).

### **Section 21. MUNICIPAL JUDGE.**

The Municipal Judge shall be the Judicial Officer of the City. The Judge shall hold within the City a court known as the Municipal Court for the City of Tigard, Washington County, Oregon. The court shall be open for the transaction of judicial business at times specified by the Municipal Judge. All areas within the City shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and

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exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City or as otherwise provided by state law. The Judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City, to commit any such person to jail or admit him or her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue and process documents necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Defendants in the Municipal Court charged with violation of City ordinances shall be entitled to a trial by jury as provided by state statutes. (Measure 34-58, November 5, 1996 election, Res. 96-53; Measure 55, May 18, 1982 election).

## **Section 22. Recorder.**

The Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings in a book provided for that purpose, and be the City's election officer. In the Recorder's absence from a Council meeting, the Mayor shall appoint a clerk of the Council pro tem who, while acting in that capacity, shall have all the authority and duties of the Recorder. (Measure 52, November 5, 1985 election).

## **Section 22A. Finance Officer.**

The Finance Officer shall be responsible for

the administration of the City's fiscal functions and shall sign all orders on the treasury. (Measure 52, November 5, 1985 election).

## **Chapter VI ELECTIONS**

### **Section 23. Elections.**

Except as this Charter provides otherwise, and the Council provides otherwise by order, the general laws of the State of Oregon shall apply to City elections. (Measure 56, November 5, 1985 election).

### **Section 24.**

Repealed by Measure No. 56, November 5, 1985 election.

### **Section 25.**

Repealed by Measure No. 56, November 5, 1985 election.

### **Section 26.**

Repealed by Measure No. 56, November 5, 1985 election.

### **Section 27.**

Repealed by Measure No. 56, November 5, 1985 election.

### **Section 28. Tie Votes.**

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

### **Section 29. Commencement Of Terms Of Office.**

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The term of office of a person elected at a regular City election shall commence the first of the year immediately following the election.

## **Section 30. Oath Of Office.**

Before entering upon the duties of their office, every officer shall take an oath or shall affirm that they will support the constitutions and laws of the United States and of Oregon and faithfully perform the duties of their office. (Measure 34-58, November 5, 1996 election, Res. 96-53).

## **Section 31. Nominations.**

A qualified elector within the meaning of the State Constitution, who will have resided continuously for a period of twelve (12) months or more immediately preceding the election in any area which is within the corporate boundaries of the City as the same shall exist as of a date one hundred twenty (120) calendar days immediately prior to the date of the election, (inclusive of all territory previously effectively annexed to the City), may be nominated for an elective City position.

The procedures for nomination and election for elective City positions shall be governed by the election laws of the State of Oregon, or by City ordinances if such ordinances are not inconsistent with state law. (Measure 56, May 18, 1982 election).

## **Chapter VII VACANCIES IN OFFICE**

### **Section 32. What Creates Vacancy.**

An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, other offense pertaining to his or her office, or unlawful destruction of public records, resignation, recall from office; or ceasing

to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; or in the case of a mayor or councilor, upon his or her absence from the City for 30 days without the consent of the Council or upon his or her absence from regular meetings of the Council and upon a declaration by the Council of the vacancy. (Measure 34-58, November 5, 1996 election, Res. 96-53).

## **Section 33.**

Repealed by Measure 57, May 18, 1982 election.

## **Chapter VIII ORDINANCES**

### **Section 34. Enacting Clause.**

The enacting clause of all ordinances hereafter shall be, "The City of Tigard ordains as follows:"

### **Section 35. Mode Of Enactment.**

(1) Except as paragraph (2) of this section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly once in open Council meeting.

(2) Any reading may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full or (b) if a copy of the ordinance is posted in at least three public places within the City limits before it becomes law. (Measure 57, November 5, 1985 election).

(3) Repealed by Measure No. 57, November 5, 1985 election.

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(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

(5) Upon the enactment of an ordinance the Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and the Mayor shall sign it with the date of signature, and the name and title of office of the Mayor. (Measure 55, November 5, 1985 election; Measure 54, November 2, 1982 election).

## **Section 36. When Ordinances Take Effect.**

An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect. In case of emergency, an ordinance may take effect immediately, provided that there is set forth in a separate section the reasons why it must become effective immediately.

## **Chapter IX PUBLIC IMPROVEMENTS**

### **Section 37. Condemnation.**

Any necessity of taking property for the City by Condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.

### **Section 38. Improvements.**

The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months, upon a remonstrance thereto by the owners of two-thirds of the property to be

specially assessed therefor. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land sale contract or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the said purchaser shall be deemed the "owner".

### **Section 39. Special Assessments.**

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

### **Section 40. Bids.**

Except as provided or allowed by state law, all contracts for public improvements to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be performed in accordance with plans and specifications approved by the Council. The Council shall have the right to reject any or all bids for public contracts. (Measure 51, November 2, 1982 election).

## **MISCELLANEOUS PROVISIONS**

### **Section 41. Debt Limit.**

Except by consent of the voters, the City's voluntary floating indebtedness for general city purposes shall not exceed the limits of state law. All City Officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess. (Measure 58, November 5, 1985 election).

### **Section 42.**

Repealed by Measure 58, May 18, 1982 election.

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## **Section 43. Existing Ordinances Continued.**

All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

## **Section 44. Time Of Effect Of Charter.**

This Charter shall take effect January 1, 1963.

## **URBAN RENEWAL CITIZENS RIGHT TO VOTE**

## **Section 45.**

The voters of the City of Tigard, exercising their powers as the ultimate governing body of the City as reserved to them by the ordinances of the City and by the Constitution and laws of the State of Oregon, do hereby find and determine that there no longer exists a need for an urban renewal agency in the City. Therefore, the Tigard Urban Renewal Agency, as established or activated, by Ordinance No. 81-91, adopted in December, 1981, is terminated. The facilities, files and personnel (if any) of the Tigard Urban Renewal Agency shall be forthwith transferred to the City. The termination shall not affect any outstanding legal actions, contracts or obligations of said agency, and the City shall be substituted for said agency in respect thereto. If, at the time this section is adopted, termination of the Tigard Urban Renewal Agency is legally prohibited by any mandatory provision of controlling state law, the termination shall be postponed until such legal impediment has been removed and shall then automatically become effective; and, in the interim pending the effective date of such termination, the City shall not authorize, approve or assist in the incurring of any new debt or obligation or in the performance of any portion of the urban renewal plan.

## **Section 46.**

Section 45 is and shall be deemed to be an

ordinance of the City within the meaning of ORS 457.075. Therefore, Section 45 may be amended or repealed by non-emergency ordinance adopted by the City Council. The City Council may in the future activate, create, reactivate or recreate an urban renewal agency in the City in the manner provided for by law, subject to the limitations of Sections 47 and 48 concerning the methods for financing the activities of such an agency.

## **Section 47.**

The City shall not approve an urban renewal plan or an amendment of an urban renewal plan if such plan includes tax increment financing as a permissible means of paying the debts and obligations of the agency unless, prior to the activation and implementation of tax increment financing, such method is approved by the voters of the City at a regular or special City election held in May or November.

## **Section 48.**

Any urban renewal plan or amendment thereof hereafter proposed or adopted shall require that the plan, including the method of financing same, shall be approved by the voters at a regular or special City election in May or November, if such plan or amendment would or could involve the levying of a tax on properties outside the urban renewal area to pay the debts or obligations to be incurred in carrying out the plan. Notwithstanding the foregoing, separate approval at an election is not required for:

(1) Expenditures by the City, as distinguished from the urban renewal agency, which have been duly identified and included in a duly adopted City budget; or

(2) Issuance of Bancroft bonds (ORS 223.205 to 223.295) in connection with assessments for local improvement districts, if such issuance is otherwise authorized by law.

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## Section 49.

As used in Sections 45, 46, 47 and 48:

(1) "City" means the City of Tigard, Washington County, Oregon.

(2) "Urban Renewal Agency" means an agency created or existing under ORS Ch. 457 as it now exists or may hereafter be amended, or a similar agency with similar powers and purposes created under any other provision of law.

(3) "Urban Renewal Plan" means a plan as defined in ORS 457.010 (11) as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

(4) "Tax Increment Financing" means the method of financing described and referred to in ORS 457.420 to 457.460, or a similar method of financing provided for under any other provision of law.

## Section 50.

If any section or portion of this Charter amendment (Sections 45 through 49) is determined unconstitutional or unlawful, the remaining portions and sections shall be severable and shall remain in effect. (Measure 51, September 20, 1983 election).

## Section 51.

The City of Tigard shall not use the Willamette River as a drinking water source for its citizens unless the question of using the Willamette River as a drinking water source has been approved by not less than fifty percent (50%) of voters voting in a City wide election. (Measure 34-8, September 21, 1999 election).

## AUTHENTICATION CERTIFICATE OF CITY RECORDER

I, RALPH V. SYMONS, do hereby certify that I am the duly appointed, qualified and acting Recorder of the City of Tigard, Washington County, State of Oregon, and as such have the care and control of the official records of said city.

I further certify that pursuant to resolution of the City Council of Tigard, duly adopted at its regular meeting of October 8, 1962, there was referred to the voters of the City of Tigard, in conformity with initiative and referendum powers contained in Ordinance No. 62-20 of said city, at the regular city election of November 6, 1962, the question of the adoption of the above herein and foregoing Charter of the said city, and that a total of 631 votes were cast with respect to said charter proposal at said election of which 456 votes were cast in favor of said charter and 175 votes were cast against same, and that as shown by the official canvass of the returns of said election, the above herein and foregoing Charter was duly adopted by the people of the City of Tigard at said election of November 6, 1962, by majority of the votes cast.

I further certify that I have carefully compared the above and foregoing copy with the original of said charter proposal as filed in my office and that the foregoing copy is a correct transcript therefrom and the whole of said original as the same now appears on file in my office and in my official custody.

I further certify that by resolution of the City Council of the City of Tigard, Oregon, duly passed at its regular meeting of November 26, 1962, the above herein and foregoing Charter was duly proclaimed and confirmed as the Charter of the City of Tigard, Oregon, to be effective by its terms on and after January 1, 1963.

In Witness Whereof I have hereunto set my hand

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and affixed the official seal of the City of Tigard,  
Oregon, this 14th day of January, 1963.

Ralph V. Symons, Recorder of the City of Tigard,  
Washington County, Oregon.■